IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION STAMP NO. 5100 OF 2006
IN
WRIT PETITION NO. 2978 OF 2005

1. State of Maharashtra and anr. ..Petitioners

Vs.

1. Mohammed Rafique Shaikh Vazir Maniya and ors. ..Respondents

Mrs. S.S. Bhende, AGP for petitioners.
Mr. Shaikh Nazir Masih for respondent no.1.
Mr. R.S. Apte with Mr.H.R. Bubna for respondent nos.2 and 3.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : October 10, 2006.

P.C.:

1. We have heard the learned AGP at length and we are satisfied that the order under review does not suffer from errors which are required to be corrected in a review petition. We have noted that before the School Tribunal the Director of Education was one of the respondents and no reply was filed. In addition, the appointments have been made after the ban on the recruitment of non-teaching staff was lifted on 1/8/1995. The Education Officer (Primary) had

permitted the management to proceed with the appointments as per the sanctioned strength and admittedly the respondent-school has more than 500 students wherein as per the sanctioned staff-in-pattern one junior clerk and one peon is permissible to be appointed in a private aided school.

2. If it is the contention of the Government now that the appointments were made illegally, it was necessary that the same was pointed out before the Tribunal. All other averments were taken into consideration in the judgment under review.

3. Hence the review petition is rejected summarily.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**